

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Robert B. Bannon

Debtor

CHAPTER 13

JPMorgan Chase Bank, N.A.

Movant

vs.

NO. 17-15757 ELF

Robert B. Bannon

Debtor

Kathleen Bannon

Co-Debtor

William C. Miller Esq.

Trustee

11 U.S.C. Section 362 and 1301

**MOTION OF JPMorgan Chase Bank, N.A.
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 and CO-DEBTOR STAY UNDER SECTION 1301**

1. Movant is JPMorgan Chase Bank, N.A.

2. Robert B. Bannon (hereinafter “Debtor”) and Kathleen Bannon (hereinafter “Co-Debtor”) are the owners of the premises 307 Goldenridge Dr, Levittown, PA 19057, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a Home Equity Line of Credit, original principal amount of \$100,000.00 on the mortgaged premises that was executed on December 19, 2006. Said mortgage was recorded on January 10, 2007 at Instrument No. 2007004164 in Bucks County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.

4. JPMorgan Chase Bank, N.A., services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, N.A. Said entity, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to said entity or has been duly endorsed.

5. William C. Miller Esq., is the Trustee appointed by the Court.

6. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor.

7. Debtor and Co-Debtor have failed to make the following monthly post-petition mortgage payments;

September 15, 2017 at \$794.99

October 15, 2017 at \$823.93

November 15, 2017 at \$798.35

8. The total amount necessary to reinstate the loan post-petition, less post-petition account credit of \$32.30 is \$2,384.97.

9. Movant is entitled to relief from stay for cause.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Automatic Stay under Section 362 and the Codebtor Stay under Section 1301 of the Bankruptcy Code, so as to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the mortgage, loan documents and related agreements, and current law, together with interest.

/s/ Kevin G. McDonald, Esquire

Kevin G. McDonald, Esquire

Thomas Puleo, Esquire

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Attorneys for Movant/Applicant

Date: December 4, 2017